

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.26 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- SUPAUL District- Supaul

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Suman Kumar son of Pramod Yadav through its Legal guardian/ Father
Pramod Yadav son of Matar Lal Yadav Village- Tengraha W.No-3, Ps- Bhap-
tiyahi Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Respondent/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-05-2024 Heard the learned counsel for the parties.

2. This application has been filed against the order dated 25.11.2023 passed by the Additional Sessions Judge-cum-Presiding Officer-Children Court, Supaul in connection with Cr. Appeal No. 35 of 2023 arising out of Supaul P.S. Case No. 264 of 2023 and order dated 24.07.2023 passed by the Juvenile Justice Board, Supaul for the offences under Sections 341, 323, 379, 302/34 of the IPC by which the bail of the Juvenile petitioner has been rejected and confirmed the order dated 24.07.2023 passed by the Juvenile Justice Board, Supaul and also against the order dated 24.07.2023 passed by the Juvenile Justice Board, Supaul by which the bail of the juvenile has been rejected.



3. As per the prosecution case, the allegation against the petitioner is that he has killed the deceased in his room.

4. Learned counsel for the petitioner has submitted that the petitioner has been held to be juvenile and on the date of occurrence he has been assessed to aged about 12 years 3 months and 26 days.

5. Learned counsel for the petitioner further relies upon the provisions of the Section 3(i), (iv), (v) and (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also relies upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and has submitted that bail is a rule and denial of bail to a juvenile is an exception.

6. He further submits that though the petitioner is in conflict in law but he has remained in jail since 13.04.2023 and the Court below has not considered the law with regard to the release of juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned counsel for the petitioner further submits that family members of the petitioner including the father of the petitioner will take care of the petitioner so that he may not do any further crime and he may not remain in the company of the criminals.



8. Learned counsel for the petitioner has also relied upon a judgment of this Court dated 19.09.2023 passed in ***Criminal Revision No. 883 of 2022 (Aryan Kumar Vs. State of Bihar)*** by which a juvenile has been released on bail.

9. Considering the aforesaid facts, ***this application is allowed.***

10. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Supaul/concerned Court below in connection with Cr. Appeal No. 35/2023 arising out of Supaul P.S. Case No. 264 of 2023 subject to the following conditions:-

(i) *that one of the bailors should be the father of the petitioner;*

(ii) *that the father of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company;*

(iii) *that after being released on bail, the petitioner will mark his attendance at Bhaptiyahi police station, Supaul on first and third*



Sunday of the each month. Any default in appearance at the police station will result in cancellation of bail bonds of the petitioner.

11. This application stands allowed.

(Sandeep Kumar, J)

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